



## City of Santa Barbara

Police Department

### Memorandum

**DATE:** November 17, 2011

**TO:** Fire and Police Commission

**FROM:** Holly Perea, Police Technician

**SUBJECT:** Nightclub Dance Permit: "Baja Sharkeez", 525 State St

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#### DISCUSSION:

On October 10, 2011, Aron Ashland submitted an application for a nightclub dance permit to the Santa Barbara Police Department on behalf of Greg Newman, Lisa Newman, and Ronald Newman, joint owners of the prospective business at 525 State St, dba "Baja Sharkeez."

Applicants received all necessary approvals from Community Development for the dance permit, and submitted the required security and noise mitigation plans. Notices were distributed to nearby properties and posted on the premise in accordance with the Santa Barbara Municipal Code requirements and deadlines. Lisa Newman was the only applicant requiring fingerprinting; all other owners and managers were previously fingerprinted for other dance permits. Lisa Newman's fingerprint results satisfactorily meet Santa Barbara Municipal Code requirements.

According to the application, security guards will be dressed in "Sharkeez" shirts. The guards will communicate with one another through Motorola radios with earpieces.

On November 4, 2011 Santa Barbara Police Department staff conducted a site visit. General Manager Aron Ashland and owner Ronald Newman were present to host the walkthrough. Also present was Diane Harding, owner of "Madison's," the current business at that location. The following information was learned during this visit:

- The premise has 12 speakers: 2 on the exterior and 10 on the interior. To mitigate noise concerns, the exterior speakers are on a timer-system that cuts power to the speakers at 9 pm nightly.
- The business has 16 security cameras: 3 on the premise exterior, and 13 on the premise interior. Video footage from the cameras is stored for approximately 6 weeks.
- There is only one point of entrance into the business: through the front of the business. There is no public access to the business through the back door.
- According to the application, dancing is expected to take place between 10:00 pm and 1:30 am nightly.
- The owners plan to have the following minimum levels of security, in compliance with the conditions of the premise's ABC license:
  - 3 security guards on duty during dancing or entertainment when occupancy is between 1 and 99 patrons.
  - 3 security guards on Thursday, Friday, and Saturday nights between 9:00 pm and 2:00 am when occupancy is between 1 and 99 patrons.
  - 4 security guards on duty during dancing or entertainment when occupancy reaches a minimum of 100 patrons.
  - 5 security guards on Thursday, Friday, and Saturday nights between 9:00 pm and 2:00 am when occupancy reaches a minimum of 100 patrons.

Applicants of this premise currently own two other nightclubs in the vicinity: "Sandbar" at 514 State St. and "Baja Sharkeez" at 416 State St. Aron Ashland, the General Manager of Sandbar,

is also listed as the General Manager on the pending application for 525 State Street. Ryan Leeper, the General Manager of Sharkeez on the 400-block of State St, is listed as a "Manager/Supervisor" on the pending application. Both premises have current nightclub dance permits as well as Type 47 licenses from the Department of Alcoholic Beverage Control (ABC), designating them as restaurants permitted to serve general alcohol to the public. Under this type of license, patrons under the age of 21 years are permitted on premise while liquor is being served. Sandbar staff restricts patrons under age 21 years from being on premise after 10:00 pm nightly. Baja Sharkeez, however, holds regular "18 and over" nights at its nightclub.

While processing this application, City staff reviewed the crime statistics for both of the owners' other nightclub locations for the current calendar year, from January 1, 2011 through November 1, 2011. In this time frame, Sandbar staff contacted the Police Department 21 times to report underage patrons attempting to enter the premise using false identification. In this same time frame, there were no citations by Santa Barbara Police Department officers for minors consuming alcohol inside the premise. This is an indication that Sandbar staff are well-trained in recognizing false identification, are diligent about scrutinizing patron identification prior to allowing admittance, and consistent in reporting fake ID's when found.

In contrast the staff at Baja Sharkeez (416 State St) did not contact the Police Department even once to report an underage patron attempting to use false identification for entry into the premise during this same time frame. And yet Santa Barbara Police Department Nightlife Officers issued nine citations within this period to patrons under the age of 21 who were found to be consuming alcohol inside Baja Sharkeez. Five of these minors successfully used false identification to gain access into the nightclub as adults; three of the minors were found to be in possession only of their actual identification, but were nonetheless wearing blue wristbands which Baja Sharkeez employees use to identify patrons over the age of 21 years; and one of the minors was unconscious when discovered by an officer inside the premise, and once roused was highly intoxicated though she was clearly marked as a minor by premise staff. The most recent five of the above citations were issued in the two-week period from October 20, 2011 through November 1, 2011, some on consecutive nights. ABC is currently in the process of reviewing the above incidents for possible action on the premise's liquor license.

## **RECOMMENDATION:**

Given the above information, it appears that the owners and/or managers of Baja Sharkeez at 416 State Street are either incapable of, or unwilling to effectively monitor and prevent underage drinking in the establishment. These are the same owners and managers applying for the current location at 525 State Street. However, Sandbar, which prohibits minors on premise after 10:00 pm, is successful in preventing underage patron drinking. It is therefore the recommendation of the Santa Barbara Police Department that a dance permit be issued to Baja Sharkeez at 525 State Street with the following conditions:

1. No live entertainment, dancing, or amplified music permitted on any patio or outdoor area.
2. Noise from the premise, including but not limited to recorded music, radio, television, and live entertainment, must not be audible beyond 50 feet of the premise in any direction.
3. A minimum of 3 uniformed security guards required when patron occupancy is between 1 and 99 patrons during dancing or entertainment, and after 9:00 pm on Thursday, Friday, and Saturday when occupancy is between 1 and 99 patrons regardless of entertainment.
4. A minimum of 4 uniformed security guards required when patron occupancy reaches a minimum of 100 patrons during dancing or entertainment.
5. A minimum of 5 uniformed security guards required after 9:00 pm on Thursday, Friday, and Saturday when patron occupancy reaches a minimum of 100 patrons, regardless of dancing or entertainment.

6. All security guards must possess valid "guard cards" issued through the State of California, and the premise must be registered as Proprietary Private Security Employer.
7. Rear doors may not be used for public entry or exit except in the case of emergency.
8. Staff must maintain an orderly line of patrons awaiting entry into the premise. The queue of patrons must not block passage of pedestrians on the walkway, nor may it extend into any nearby street.
9. Dancing shall be prohibited after 10:00 pm nightly when any patron under the age of 21 years of age is on premise.